

**In The United States Patent and Trademark Office
Before The Trademark Trial and Appeal Board**

In the matter of Application Serial No. 77/207,747

March 13, 2008

RE: Trademark application opposed by Foodhandler, Inc., opposition No. 91182259

Defendant: Danielle Dutreix-Moomau, owner My Safe Foodhandler

The following answer is to be submitted:

This letter is acknowledgement Danielle Dutreix-Moomau, owner of My Safe Foodhandler has received and reviewed the trademark opposition filing by the legal team representing Foodhandler, Inc.

My Safe Foodhandler intends with advice of its legal counsel to defend its trademark application. The company believes the initial acceptance of the application by the Trademark and Patent office is correct. We are confident the business model and trade name will not adversely impact Foodhandler, Inc.

In response to the alleged point number 5 in the opposition filing:

My Safe Foodhandler is a service business providing education and training to those in the food industry, primarily hospitality service workers. Foodhandler, Inc. from our assessment is a seller of manufactured retail supplies and goods to be used by the food service industry. Our company has never and does not intend to participate in the market to produce or sell manufactured supplies or goods. Instruction materials and classroom courses designed to educate food service workers should not in any way compete or harm the business of selling goods by Foodhandler, Inc.

In response to alleged point number 6 and 7 in the opposition filing:

It is our position that the term foodhandler is commonly used and recognized. In the training field, it is a reference to all persons who are involved in the preparation, service and handling of food for public consumption. My Safe Foodhandler believes "foodhandler" is relative and commonly associated in the vocabulary of the food service business just as "restaurant" and "café" are commonly used. Our identity then comes from additional reference. Our company seeks to clarify its uniqueness of this common term by displaying a three worded phrase "My Safe Foodhandler."

My Safe Foodhandler has applied for trademark a unique logo and references another common symbol, a human hand. It is our company position the red color and the single hand reference at the far left position are unique in style and will not impact the business of Foodhandler, Inc.

This document is being submitted in accordance with the time to answer deadline listed as March 16, 2008.



03-13-2008

PROOF OF SERVICE

STATE OF MARYLAND, CITY OF BALTIMORE

I am self-employed in the City of Baltimore, State of Maryland. I am over the age of 18, and not a party to the within action. My business address is 1537 Aliceanna Street Baltimore, Maryland 21231.

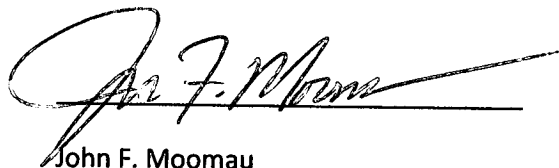
On March 13th, I served a copy of the foregoing document(s) described as NOTICE OF APPEAL OPPOSITION on the interested parties in this action at their stated Attorney address as set forth below by taking the actions described:

Mitchell Silberg & Knupp LLP
Attorney for FOODHANDLER, INC
11377 W. Olympic Boulevard, Suite 603
Los Angeles, CA 90064

- ✓ **BY PRIORITY MAIL:** I placed the above mentioned document in a sealed envelope sent priority mail at Baltimore, Maryland. The envelope was mailed with postage and delivery confirmation fully prepaid.
- ✓

I declare under penalty of perjury under the laws of the State of Maryland that the above is true and correct.

Executed on March 13, 2008, at Baltimore, Maryland.

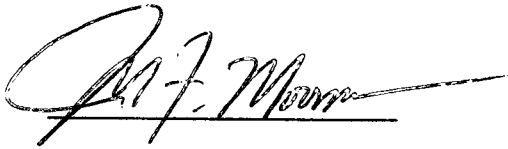


John F. Moomau

March 13, 2008

CERTIFICATE OF SERVICE

It is hereby certified that a copy of this NOTICE OF APPEAL OF OPPOSITION was served by US Priority mail, including delivery confirmation, to Mitchell Silberberg & Knupp LLP, Attorney for Opposer, 11377 West Olympic Boulevard, Suite 603 Los Angeles, CA 90064, this day March 13, 2008'.

A handwritten signature in black ink, appearing to read "John F. Moomau", written over a horizontal line.

John F. Moomau
1537 Aliceanna Street
Baltimore, Maryland 21231